

Serial No.: 09/175,156

Attorney Docket No.: 1998P07912US

REMARKS

Upon entry of the instant Amendment, Claims 1-27 are pending. Claims 1, 10, and 16 have been amended to more particularly point out Applicants' invention.

Claims 10, 12-15, 22, and 23 were rejected under 35 U.S.C. §102(e) as being anticipated by Milewski, U.S. Patent No. 6,519,326 ("Milewski"). In order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Milewski.

As discussed in the Specification, according to one embodiment of the present invention, a telephone device may be provided that includes a ring detector, a command interface, a controller and a telephone network interface. In response to an incoming call, the ring detector alerts the called party and causes the controller to activate the command interface. The command interface is activated for a predetermined time while the call is still ringing. While activated, the called party can select or enter a playback message. The playback message can be a pre-recorded audio message stored within the device, or a voice message spoken by the called party during the activation period. After the playback message is selected by the called party, the telephone device answers the incoming call, automatically plays the customized message to the calling party via the telephone network and releases the call. Otherwise, the called party can answer the call by taking the phone off hook.

Thus, claim 10 has been amended to recite "a controller for activating the command interface in response to the detection signal and for transferring the customized message to the caller, wherein the controller is an element of the telephone, the customized message being transferred from the telephony device via the telephone network; wherein the telephony device can respond to the incoming telephone call by answering the call, transferring the customized message and releasing the call or can accept the call by going off hook."

In contrast, Milewski teaches a system by which an incoming telephone call is announced by the called party's equipment not by a mere ring-tone but by a voice announcement such as "Hi, Allen, this is Bob...". (Milewski, col. 3, line 51.) over an "integrated services network 120," separate from the telephone network. Further,

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Milewski also provides a feature by which, "if the called party desires to accept the incoming phone call after receipt of the voice-ring announcement, the called party will transmit a return signal, or call answer message, from the called party's PC 155 to the calling party's PC 105 ... to signal that the call is to be accepted..." (Milewski, col. 4, lines 28-34). The calling party PC 105 then establishes the call between the calling party telephone and the called party telephone via the public switched telephone network.

As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 1-9, 16- 21, and 24-27 were rejected under 35 U.S.C. §103 as being unpatentable over Adams, U.S. Patent No. 6,400,814 ("Adams") in view of Wolff et al., U.S. Patent No. 5,237,486 ("Wolff"). Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Adams or Wolff, either singly or in combination. As discussed above, embodiments of the present invention relate to a system for providing a customized message to the calling party via the telephone network.

Thus, claim 1 has been amended to recite:

means at a called party's telephone for enabling selective entry of a user message entered in response to the alert while the incoming call is pending and still ringing to the calling party; and

means for playing the user message to the calling party, said playing means including means for transmitting said user message from the called party telephone to the calling party telephone via the telephone network:

and claim 16 has been amended to recite

generating, from the recipient telephone, an audio message based on the command;

answering the incoming call; and

playing the audio message to the telephone caller over the telephone network.

In contrast, as acknowledged in the Official Action, Adams does not teach playing the selected user message to the calling party and, instead, relies on Wolff for allegedly providing such teaching. Wolff, however, relates to an "out of band, wireless,

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two-way signaling, messaging, and alerting." Col. 3, lines 28-29; see also, Col. 2, lines 20-21. The messaging of Wolff is not sent by the calling party telephone, from the calling party telephone over the telephone network, as generally recited in the claims at issue. Instead, Wolff provides a separate out of band computer 18 and a separate, out of band messaging network 16; messaging is not provided between telephone 20 and 22. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claim 11 has been rejected under 35 U.S.C. §103 as being unpatentable over Milewski in view of Wolff. Wolff is relied on merely for teaching voice recognition. However, like Milewski, Wolff does not appear to teach elements of the independent claim 10. Indeed, like Milewski, Wolff appears to provide separate signaling and telephone connectivity. Applicants note that Wolff specifically states that the user "need not maintain telephone network connectivity." (Abstract). As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

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Respectfully submitted,

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